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Attorneys for Plaintiff  
Biosuccess Biotech, Co., Ltd.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

BIOSUCCESS BIOTECH, CO., LTD.,

Plaintiff,

v.

RICH PHARMACEUTICALS, INC., a  
Nevada Corporation formerly known as  
Nepia, Inc., IMAGIC, LLC, a California  
LLC, RICHARD L. CHANG HOLDINGS  
LLC, a New Jersey LLC, BEN CHANG,  
an individual, and DOES 1 through 10,  
inclusive,

Defendants.

Case No. CV14-00310 JAK (ANx)

Hon. John A. Kronstadt

**AMENDED JOINT RULE 16(b)  
REPORT**

Date: None

Time:

Courtroom:

1 The parties respectfully submit this Amended Joint Rule 16(B) Report, which  
 2 supplements their filing yesterday of the Revised Schedule “A” [Dkt. No. 39]. The  
 3 Revised Schedule “A” is also attached for the Court’s convenience.

4 The parties submit this Amended Joint Rule 16(B) Report to fully respond to  
 5 the Court’s questions at the May 12, 2014 Hearing. Specifically, the Court inquired  
 6 concerning the parties’ proposal of consolidation between Case No. CV13-1340  
 7 (JAK) and the present case.

8 **I. Plaintiff Biosuccess’s Position on Consolidation:**

9 With respect to the two cases presently before this Court, in Case No. CV13-  
 10 1340, Plaintiff Biosuccess filed an *ex parte* motion for an order to continue the trial  
 11 and related dates from June 17, 2014 to December 2, 2014. [Dkt. No. 177 at 2:2-  
 12 17]. Revised Schedule “A” filed yesterday tracks the December 2, 2014 trial date,  
 13 but noted that if the two Northern District of California cases (discussed below) are  
 14 transferred to this Court in early June 2014, this trial date should be further  
 15 continued to accommodate the additional claims and additional parties.

16 There are currently pending **four** related cases between the parties—two in  
 17 the Northern District and two in the Central District before this Court. Plaintiff has  
 18 filed motions to transfer the Northern District cases to the Central District. The  
 19 hearing dates for the motions to transfer are set in the Northern District cases for  
 20 **June 5 and June 6, 2014**, respectively. In one Northern District case, the Court has  
 21 already cancelled the case management conference in view of the impending motion  
 22 to transfer.

23 Once transferred, Biosuccess will seek to consolidate **all four** related cases  
 24 before this Court for one trial. Transfer and consolidation would best avoid  
 25 inconsistent judgments and preserve this Court’s resources.

26 Once transfer and consolidation are completed, and discovery is finished for  
 27 **all four** related cases, Plaintiff requests that the Court set a schedule for a bifurcated  
 28 bench or bifurcated jury trial consisting of two phases. Phase 1 will be on the

controlling agreement issue. Phase 2 will be on the remaining issues and causes of action in **all four** pending, consolidated cases.

## **II. Defendants' Position:**

Defendants do not believe consolidation is necessary here given the differences between the facts underlying the cases. The only overlap with Case No. *Richard Chang v. Biosuccess Biotech Co., Ltd. et al.*, CV13-1340 (JAK) (the "Richard Chang Action") is the participation of counsel and Biosuccess. None of the Defendants herein are parties to that case, the facts underlying Plaintiff's claims in this dispute are based on activities that took place after the filing the Richard Chang Action. The two cases current before the Northern District also deal with distinct issues, primarily the collection of unpaid wages.

Due to the overlap of counsel and Biosuccess, Defendants are willing to agree to pretrial consolidation of these two cases to the extent that such consolidation does not affect or alter the June 17, 2014 trial date set for the Richard Chang Action. Given the short amount of time before trial, however, we anticipate there will be little ability to coordinate between the two cases. In the event consolidation does occur, further phasing of any trial beyond just the question of the controlling contract may also be appropriate depending on the results of discovery. Accordingly, Defendants believe consolidation is not necessary and will have little effect.

Respectfully submitted:

Dated: May 20, 2014

**LEE TRAN & LIANG LLP**

By: /s/ Enoch H. Liang  
 Enoch H. Liang  
 Attorneys for Plaintiff  
 BIOSUCCESS BIOTECH, CO., LTD.

1 Dated: May 20, 2014

**ENTREPRENEUR LAW GROUP LLP**

2  
3 By: /s/ Jack Russo

4 Jack Russo  
5 Attorneys for Defendants  
6 RICH PHARMACEUTICALS, INC. ET  
AL.

7 **ATTESTATION OF E-FILED SIGNATURES**

8 I, Heather F. Auyang, am the ECF user whose ID and password are being  
9 used to file this AMENDED JOINT RULE 16(b) REPORT. In compliance with  
10 Civil L.R. 5-4.3.4, I hereby attest that Chris Sargent has concurred in this filing's  
11 content and has authorized this filing.

12 Dated: May 20, 2014

13 By: /s/ Heather F. Auyang  
14 Heather F. Auyang  
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**EXHIBIT A – SCHEDULE OF PRETRIAL AND TRIAL DATES**

Case No.:	2:14-cv-00310-JAK-AN		
Case Name:	Biosuccess Biotech, Co., Ltd. v. Rich Pharmaceuticals, Inc., et al.		

  

<b>Hearings:</b>	Plaintiff(s) Request	Defendant(s) Request	CV13-1360 (JAK)
[ ] Jury Trial [ ] Court Trial: <b>(Tuesday at 9:00 a.m.)</b>	5-7 Days	5-7 Days	6/17/14
Duration Estimate: ____ Days / ____ Weeks	12/2/14 ***	6/15/15	
Status Conference re Exhibits: <b>(Friday at 3:00 p.m.)</b> (Friday before the trial date)	11/28/14	6/12/15	6/13/14
Final Pretrial Conference: <b>(Monday at 3:00 p.m.)</b> (Two weeks before the trial)	11/17/14	6/1/15	6/2/14

  

<b>Deadlines:</b>	Weeks Before Trial	Plaintiff(s) Request	Defendant(s) Request	EX35/3562" (JAK)
Last Date to Hear Motions (not file)	8	10/6/14	4/20/15	
Expert Discovery Cut–Off	8	10/6/14	4/20/15	
Expert Disclosure (Rebuttal)	10	9/22/14	4/6/15	
Expert Disclosure (Initial)	12	9/8/14	3/23/15	
Non–Expert Discovery Cut–Off	14	8/25/14	3/9/15	
Last Date to Add Parties/Amend Pleadings		7/14/14	9/22/14	

  

<b>Settlement Procedure Selection:</b> (ADR–12 Form will be completed by Court after scheduling conference)	Plaintiff(s) Request	Defendant(s) Request	EX35/3562 (JAK)
1. Magistrate Judge 2. Attorney Settlement Officer Panel 3. Outside ADR/Non–Judicial (Private)	3	2, 3	
Last day to conduct settlement conference/mediation			
Post Mediation Status Conference: <b>(Monday at 1:30 pm)</b> (14 days after the last day to conduct settlement)			
Notice of Settlement / Joint Report re Settlement (10 days before PMSC)"			

\*\*\*If the two Northern District of California cases are transferred and consolidated to this Court, this trial date should be continued to accommodate the additional claims and parties.